

REMARKS

Applicants have amended the claims as shown above, with additions underlined and deletions with strikethrough.

At the request of the Examiner, Applicants have amended claim 14 to read "said resistance means", claim 15 to refer to "a tissue-engineered construct", and claim 16 to depend on claim 15.

Accordingly, all the afore-mentioned amendments are supported by the specification as filed and do not introduce new matter and their entry is respectfully requested.

Claims 1, 4-6, 8-10, and 14 were rejected under 35 U.S.C. §102(b), as being anticipated by Ngnyen et al. (U.S. 5,272,909).

Applicants have amended claim 1 to incorporate the cancelled claim 2 into claim 1. Accordingly, Applicants respectfully submit that the amendment to claim 1 obviates the 35 U.S.C. §102(b) rejection, and request that the rejection be withdrawn.

Claims 1, 4-7, 9-12, and 14 were rejected under 35 U.S.C. §102(b), as being anticipated by Fisher et al..

Applicants have amended claim 1 to incorporate the cancelled claim 2 into claim 1. Accordingly, Applicants respectfully submit that the amendment to claim 1 obviates the 35 U.S.C. §102(b) rejection, and request that the rejection be withdrawn.

Claims 11 and 13 are rejected under 35 U.S.C. §103(a), as being unpatentable over Ngnyen et al. (U.S. 5,272,909) in view of Thorne et al. (U.S. 3,738,914). Claim 13 was further rejected as being unpatentable over Fisher et al. in view of Thorne et al.

Applicants respectfully disagree and request that the rejection be withdrawn for the following reasons. As noted above, the limitation of claim 2 has been incorporated into claim 1. Ngnyen et al. does not teach an auxiliary fluid circuit that allows for regurgitant flow of media through a main fluid circuit. Likewise, Fisher et al. does not teach an apparatus with an auxiliary fluid circuit. Thorne et al. does not make up for

these deficiencies. Accordingly, claim 11 and 13, which depend on claim 1 as amended, are not taught or suggested by the cited references.

Claims 2 and 3 were rejected under 35 U.S.C. §103(a), as being unpatentable over Fischer et al. in view of Tindale et al.

Applicants respectfully disagree and request that the rejection be withdrawn for the following reasons.

Fisher et al. teaches an apparatus for investigating the function of prosthetic heart valves. Fisher et al. does not teach an auxiliary fluid circuit that allows for regurgitant flow of media through a main fluid circuit. Fisher provides no specific or even a general motivation to combine the teachings of Tindale without prior the knowledge of the applicants' invention. In fact, Fisher et al. does not suggest a problem with or need for a modification (i.e. an auxiliary fluid circuit) to their apparatus. Applicants respectfully submit that the only way one could combine Fisher with Tindale, is by impermissible hindsight reconstruction.

In view of the above and foregoing, it is respectfully submitted that the claims now on file are believed to be in condition for allowance, and prompt and favorable action is earnestly solicited.